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ABSTRACT

This manual is designed to give public library trustees basic information on the structure of library service in Michigan, with emphasis on the trustees' major areas of responsibility, in order to help trustees understand and fulfill their obligations. In particular, the "Action Checklist" at the end of each chapter is designed to assist trustees in determining what is needed to maximize the overall effectiveness of their institution. Chapters include: (1) "Michigan Public Libraries"; (2) "Trustees' Rights and Responsibilities," including their legal authority, code of ethics, and basic duties, as well as the roles which are fulfilled by other library personnel or auxiliary organizations; (3) "Board Organization and Policymaking"; (4) "Library Planning, Role Setting, and Budgeting"; (5) "The Library Director," with advice on hiring, delegating, and evaluating a director; (6) "Intellectual Freedom"; (7) "Funding"; (8) "Public Relations and Trustees"; (9) "Library Organizations"; and (10) "Miscellaneous Considerations," including concerns of the building and physical plant, the availability of library consultants, library automation, and continuing education for trustees. (BEW)

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Library of Michigan

MICHIGAN PUBLIC LIBRARY

TRUSTEE MANUAL

1994 EDITION

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INTRODUCTION

The Library of Michigan recognizes the important role that public library trustees play in providing library service in the state of Michigan. We commend trustees for their dedication to public libraries and for the expertise they bring to public library service.

During the past several years, public library staff and trustees have frequently requested assistance in training trustees. This manual was developed in response to those requests, and it is supplemented by continuing education workshops developed by the Library of Michigan.

The **Trustee Manual** is designed to give public library trustees basic information on the structure of library service in Michigan, with emphasis on the trustees' major areas of responsibility. It is intended to serve as a resource and guide to help trustees understand and fulfill their duties responsibly. In particular, the "Action Checklist" at the end of each chapter is designed to assist trustees in determining what is needed to maximize the overall effectiveness of each of Michigan's public libraries.

1994

Table of Contents

Page

INTRODUCTION

CHAPTER ONE—**Michigan Public Libraries** 1
1. Public Library Establishment 1
2. Public Library Cooperatives 2
3. Regions of Cooperation 3
4. The Library of Michigan 3
Action Checklist 4

CHAPTER TWO—**Trustees' Rights and Responsibilities** 5
1. Legal Authority of Public Library Trustees 5
2. Roles of Trustees, Librarians, and Friends of the Library 6
3. Code of Ethics for Trustees 10
4. Basic Trustee Duties 11
5. Orientation 11
Action Checklist 13

CHAPTER THREE—**Board Organization and Policymaking** 15
1. Michigan Open Meetings Act 15
2. By-Laws 22
3. Policymaking 22
Action Checklist 23

CHAPTER FOUR—**Library Planning, Role Setting, and Budgeting** 25
1. Planning and Role Setting 25
2. Planning Statements 26
3. Evaluation 26
4. Budgeting 27
Action Checklist 27

CHAPTER FIVE—**The Library Director** 29
1. Hiring a Library Director 29
2. Delegating to the Library Director 31
3. Evaluating the Library Director 32
Action Checklist 34

CHAPTER SIX—**Intellectual Freedom** 35
1. Role of the Trustee in Intellectual Freedom 35
2. Policies for Materials Selection 36
3. Patron's Right of Access to Libraries 37
4. Michigan Library Privacy Act 37
Action Checklist 37

CHAPTER SEVEN—**Funding** 39
1. Penal Fines 39
2. State Aid 40
3. Appropriations 41
4. Individual Library Millages 41
5. County-wide Millages 42
6. Re-establishing as a District Library 42
7. Fundraising 42
8. LSCA 43
Action Checklist 45

CHAPTER EIGHT—**Public Relations and Trustees** 47
1. Trustees: The Link Between the Library and the Public 47
2. Additional Public Relations Responsibilities 47
Action Checklist 48

CHAPTER NINE—**Library Organizations** 49
1. Michigan Library Organizations 49
2. National Library Organizations 51
Action Checklist 51

CHAPTER TEN—**Miscellaneous Considerations** 53
1. Library Buildings 53
2. Library Consultants 54
3. Library Automation 54
4. Continuing Education for Trustees 55
5. Audit 56
Action Checklist 56

CHAPTER ONE:

MICHIGAN PUBLIC LIBRARIES

1. Public Library Establishment

There are six different types of Michigan public libraries: city, village, township, district, county, and school district public libraries.

A. **City Public Library**. A city public library may be established in one of five ways: 1877 PA 164, section 1 (MCL 397.201); 1877 PA 164, section 10a (MCL 397.210a); charter provision; ordinance, or special act. An 1877 PA 164 city library established under section 1 has a five-member appointed board. An 1877 PA 164 city library established under section 10a has a six-member elected board. City libraries may also be established by provision in the city charter or, in some special cases, by city ordinance or by special act of the state legislature.

A city library, regardless of the library's original organization, may be reorganized under section 10a of 1877 PA 164. This involves a petition signed by at least fifty voters and approval of an establishment/millage issue at the regular annual election.

Libraries established under either section 1 or section 10a of 1877 PA 164 have autonomous library boards which have the authority outlined in section 5, 1877 PA 164 (MCL 397.205). City libraries established by city charter, special act, or ordinance may or may not have autonomous library boards, depending on the specific provisions of the establishment instrument.

B. **Village Public Library**. Village public libraries are established by vote of the electorate pursuant to section 10 of 1877 PA 164 (MCL 397.210). Village libraries established under section 10 have six-member elected boards (MCL 397.211), which have the powers enumerated in section 5, 1877 PA 164 (MCL 297.205).

C. **Township Public Library**. Township public libraries are established by vote of the electorate under section 10, 1877 PA 164.

A township library established pursuant to section 10, 1877 PA 164, has a six-member elected library board (MCL 397.211), which has the powers enumerated in section 5, 1877 PA 164 (MCL 397.205).

Township public libraries which do not have six-member elected boards and which were not established pursuant to 1877 PA 164 may have been established pursuant to a former law, 1959 PA 265, which was repealed several years ago. Under that repealed statute, the township board acted as the library board.

If a township library was established under the repealed statute, there is no statutory method of funding the library, and the library should be re-established pursuant to section 10, 1877 PA 164 (MCL 397.210) in order to obtain stable millage funding. Re-establishment under section 10 requires voter approval of an establishment/millage issue at a regular annual election.

D. **District Public Library**. District libraries are authorized by 1989 PA 24. Section 6 of that act (MCL 397.176) grandfathered in all district libraries established under the previous statute, 1955 PA 164.

District libraries are comprised of two or more municipalities which have joined together to establish library service for their residents. They have autonomous library boards which may be elected (seven members) or appointed (five to eight members), as indicated by each district library's individual "Organizational Plan" or District Library Agreement.

For further information on district libraries, consult the Library of Michigan's publication, **District Library Law: A Guide to Establishing and Funding a District Library**.

E. **County Public Library**. County libraries are established pursuant to 1917 PA 138 (MCL 397.301 et seq.). County libraries have five-member boards appointed by the county board of commissioners. Counties with populations over one million have seven-member boards. These boards have the powers enumerated in section 2, 1917 PA 138 (MCL 397.302).

The county library's legal service area includes all of the county, except that part which is served by other legally-established public libraries. It is not uncommon for a county library to have a legal service area of less than the entire county.

F. **School District Public Library**. Prior to March 1994, school district public libraries were established pursuant to section 1451 of the School Code of 1976 (MCL 380.1451). The governing board of a school district public library is the school board, although state aid regulations require the school board to appoint an advisory library board as well.

In March 1994, Michigan voters approved Proposal A, which eliminated all millage funding for school district public libraries. The establishment of new school district public libraries is not encouraged. In fact, many school district public libraries have already re-established as district libraries because of the elimination of millage funding.

2. **Public Library Cooperatives**

The State Aid to Public Libraries Act, 1977 PA 89, provides for the establishment and funding of public library cooperatives. Michigan is divided into fifteen public library cooperatives whose boundaries cover the entire state.

Membership in the public library cooperative is voluntary for the public libraries located within the cooperative's geographic boundaries. If a public library qualifies for state aid, its cooperative membership fees are paid through an additional state aid allotment. Some cooperatives also offer additional services which public library members may elect to receive and pay for out of the general library fund.

In addition to membership fees, the public library cooperatives receive direct state aid payments for operating expenses.

The public library cooperatives have built a comprehensive program of support services for member libraries. These services vary from cooperative to cooperative, depending on the specific needs of the cooperative members. Priority is usually given to resource sharing and professional development of library staff, but several other services are available, such as automation, centralized processing, cataloging, delivery service, rotating collections, pre-packaged summer reading programs, and others. In many cooperatives, the cooperative director also acts as a general consultant to the member public libraries.

The public library cooperatives are governed by a nine-member cooperative board, made up of representatives from the member libraries. Some boards are comprised entirely of public library trustees, while other cooperative boards include librarians.

It is important for public library trustees to acquaint themselves with their local public library cooperative and the services it offers to their public library.

3. **Regions of Cooperation**

Michigan's thirteen Regions of Cooperation (ROCs) are multi-type networks that encompass all areas of the state. Except in the Upper Peninsula where the sparse population supports a single network, the ROCs generally follow the geographic lines of the public library cooperatives. Participation in a ROC is voluntary.

The ROCs grew out of the 1980 Interloan Task Force recommendations for improved interlibrary loan service. They were initially formed to facilitate resource sharing among all types of libraries. Today, the ROCs have memberships of academic, public, school, and special libraries, which have drawn together to make their varied collections available to all library users. Some ROCs have automated databases of members' books and periodicals. They also foster the development of electronic communications and delivery of documents and articles.

The ROCs also sponsor a wide variety of in-service training projects and continuing education programs for their member libraries.

The ROCs are funded primarily with federal funds from Library Services and Construction Act (LSCA) Title III grants, a federal program for multi-type resource sharing administered by the Library of Michigan. They also receive many staff hours of support from member libraries and public library cooperatives.

4. **The Library of Michigan**

The Library of Michigan was established by 1982 Public Act 540, which effected the transfer of the state library agency (formerly the Michigan State Library) from the Department of Education to the Legislative Council. The library was renamed the Library of Michigan to reflect the library's new relationship to the Michigan legislature, modeled after the Library of Congress's relationship to Congress.

The mission statement of the Library of Michigan reads:

> *The primary mission and purpose of the Library of Michigan is to promote, advocate and consistently work to achieve the highest level of library service to the State of Michigan and its residents. In implementation of this mission and purpose, the Library of Michigan is directly and specifically responsible to provide priority services to the Legislature, and is also responsible to provide service to the Executive and Judicial branches of State Government and to the organized library structure, such as Cooperatives, Regional Educational Media Centers and the multitype library Regions of Cooperation throughout Michigan serving all other clientele. Toward these ends, the Library of Michigan also encourages the creation of a foundation of public and private interests to raise funds in support of the Library of Michigan and libraries generally, beyond the use of public monies.*

As the state library agency, the Library of Michigan has the dual role of (1) providing direct service from its own staff and collections and (2) fostering the development of quality library service throughout the state.

In its direct service role, the Library of Michigan concentrates on services to the Legislature, state government agencies, and those who need information in the areas of Michigan history, resources, people, and law. The Library of Michigan's collection is made up of selected books and journals, publications of the state and federal government, Michigan and other newspapers (microfilm), maps, census and genealogical records, and other reference collections in a variety of formats including CD-ROM. Any Michigan resident may obtain a library card and borrow from the circulating collections. Library of Michigan materials are also available through other libraries by means of interlibrary loan. Access to the collection is enhanced by the on-line computer catalog ANSWER which is available world-wide through Internet.

In its role as a support agency for library development, the Library of Michigan provides a variety of resources and services to the library community. Assistance is provided with state aid, penal fines, millages, legal establishment of libraries, continuing education, and staff certification. The Library of Michigan administers millions of dollars in federal (LSCA) grants to Michigan public libraries each year to support special projects. The Library of Michigan works to encourage the sharing of resources through library networking and automation and has developed projects such as a statewide union list of serials and a network of telefacsimile machines in all types of libraries to deliver copies of urgently needed material. In addition, the Library of Michigan has awarded LSCA grants to strengthen interlibrary sharing of materials by supporting projects which allow libraries to add their records to the statewide database. The database is a statewide union list of books which enables library users to locate materials which are not owned by their local libraries.

The staff and trustees of Michigan's public libraries should not hesitate to call on the Library of Michigan for assistance, either directly or indirectly through their public library cooperatives.

Action Checklist

Michigan Public Libraries

1. Do the board members know how their library was established?
2. Is the board receiving regular information about the Library Cooperative?
3. Does the board know about the services provided by the Library Cooperative and by the Region of Cooperation?
4. Do all of the board members receive the Library of Michigan's newsletter, **Access**?
5. Do the board members know about the Library of Michigan's services for trustees?

CHAPTER TWO:

TRUSTEES' RIGHTS AND RESPONSIBILITIES

1. Legal Authority of Public Library Trustees

Most Michigan public libraries have policymaking library boards, although a few have advisory library boards. In the latter case, the library board acts as an advisor to a larger policymaking board such as a school board. This section focuses on the policymaking boards. Advisory library boards have many of the same concerns, except that they must seek higher board approval.

While the statutory language authorizing various library boards differs, the legal authority of all policymaking boards is similar. Most Michigan library boards are authorized to:

- adopt bylaws and rules for the board's governance
- have exclusive control over the building and grounds of the library
- control the expenditure of all funds credited to the library fund
- appoint a library director (and delegate the hiring of other staff to the director)
- adopt an annual library budget
- remove the library director
- adopt rules and regulations regarding the use of the library
- exclude from the use of the library anyone who willfully violates the board's rules and regulations
- determine the selection of library materials for inclusion in the library's collection.

The library board is expected to act as the legal trustee of the library. The community has entrusted the library's welfare to the board and expects the board to see that the library is run correctly. Boards also have the responsibility to see that adequate funding is provided and to develop plans for the delivery of library services. Sometimes boards act in a quasi-judicial capacity when they have to resolve disputes, such as personnel disputes or complaints from citizens.

While the law gives the board all of the legal power to run the library, it is not advisable for a library board to attempt to do this on its own. Successful library operations require the board to delegate some of its legal authority to the director. This delegation is entirely at the board's discretion: the board decides when and what to delegate, to amend the delegation, or to revoke it. The delegation should reflect a high level of mutual trust between the board and the director, while keeping the board in charge with respect to its role. The board should be concerned with the big picture, while the director should be concerned with administering the library in accordance with the board's wishes. At times important matters can arise which are not easily categorized as being a board matter or a director matter. In such a situation, it is imperative that the board and the director discuss the issues fully and together determine a course of action.

The board should keep in mind that Michigan residents have a constitutional right of access to library services. Article 8, section 9 of the state constitution states, in part:

> *"The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof..."*

This provision identifies the library board's authority to adopt regulations. When exercising this power, the board should be aware that there is an inherent requirement that the regulations be reasonable. The board itself initially determines what is reasonable. If, however, someone disagrees with the board's interpretation, that person can bring a law suit against the board, and the courts will make a determination.

In addition to the legal aspects of library boards, there are also ethical standards which must be followed by board members. While ethical standards are not enforceable as law, nevertheless all recognized ethical standards should be followed. The Michigan Library Association has adopted the "Ethics Statement for Public Library Trustees" (see Part 3 of this chapter). All board members should be familiar with this statement and conscientiously follow its tenets.

2. **Roles of Trustees, Librarians, and Friends of the Library**

In providing the community with public library service, trustees, librarians and Friends of the Library groups have related, but distinct, roles. Best results occur when all concerned recognize the relationship of these roles. The following is a comparison of the three roles and their interrelationships:

Trustees	*Librarian (Library Director)*	*Friends of the Library*
A) **Definition**		
A small number of appointed or elected citizens representing the community who, together, constitute the body which is officially responsible for the operation of the public library.	The person appointed by the board of trustees to administer the public library; chosen because of his/her personal and professional competence to function in this capacity.	An organization of any number of persons who value the public library service and who volunteer their assistance in behalf of the library. Friends groups are usually incorporated as Michigan non-profit corporations.

Trustees	*Librarian (Library Director)*	*Friends of the Library*
B) **Planning for the Library's Growth**		
Consider library's strengths and weaknesses; adopt long- and short-range plans for library's growth; decide on course of action and time schedule to implement plans.	Helps analyze library's strengths and weaknesses; recommends plans for library's growth and means for implementing plans. Administers library in terms of plans adopted by the board.	Report to the library board, either directly or through the librarian, their observation of needs and their suggestions.
C) **Policymaking**		
Consider what policies are needed to carry forward the library's plan most effectively. Discuss board's suggestions and librarian's recommendations. Adopt appropriate written policies and keep them up-to-date by periodic review and revision. Annual review and revision is highly recommended.	Recommends policies needed; advises board on merit of decisions under consideration. Administers the library in accordance with adopted policies. Interprets policies to staff and public.	Support the library board's policies.
D) **Budget**		
Scrutinize budget submitted by librarian; make any changes that seem necessary; officially approve budget request. After income for coming year is known, revise budget, if necessary, to balance anticipated income with expected expenditures. Taking librarian's recommendations into account, accept financial assistance from Friends where appropriate.	Prepared budget request recommendation based on present and anticipated needs in relation to the board's long-range or strategic plan. After income for coming year is known, recommends revisions in planned expenditures, if necessary. Decides on use of money within the budget allotment.	With **approval** of the library board, contribute funds, materials, equipment, services, etc. to supplement what can be provided by the budget. Make the most of their unique position to influence public opinion and governmental action on local, state, and national level in behalf of public library services.
E) **Obtaining Adequate Funds**		
If the library is funded by appropriations, entire board (or representatives) should appear at budget hearings to interpret library's financial needs. Also, explore all ways of increasing the library's	Librarian is present at the budget hearings to answer questions on library administration and financial details. Supplies facts and figures to board to aid in interpreting library's financial needs.	Individually and collectively use their influence to assist the board in getting desired financial support.

Trustees	*Librarian (Library Director)*	*Friends of the Library*
E) **Obtaining Adequate Funds** (continued)		
income through tapping other sources and taking advantage of all available means of cooperation with other libraries. Contact legislators to support "library funding" legislation (e.g., state aid, penal fines, millages, etc.) or to oppose legislation detrimental to libraries.	Calls board's attention to ways of stretching budget and assists board in cooperating with other libraries. Calls board's attention to pending legislation which would affect library funding.	
F) **Public Relations**		
Serve as "connecting links" between the library and the community, interpreting the one to the other. Uphold all policies adopted by the board.	Interprets policies to staff and the public. Administers library efficiently and participates in community activities. Strives to see that own actions and those of staff contribute to "good will."	Serve as additional "connecting links" between the library and the community.
G) **Training**		
Allow time at board meetings frequently to study topics of concern to the library. Read trustee materials. See that new trustees have planned orientation. Attend district, state, and national trustee or trustee-related meetings. Join the Michigan Library Association. Send librarian to conferences and workshops.	Attends library-related workshops and conferences. Encourages board to study library-related topics by supplying information. Calls significant trustee materials to attention of library board. Helps with orientation of new trustees. Makes sure trustees know of important meetings for them to attend. Recommends budget allotment for librarian and trustee expenses for membership and attendance at meetings.	Cooperate with other Friends of Library groups in the system or vicinity in matters of mutual concern.

Trustees	*Librarian (Library Director)*	*Friends of the Library*
H) Personnel		
Employ the best person available as library director. Provide competitive salary scale for total staff. See that all staff have reasonable fringe benefits such as social security, pension, vacation and sick leave, opportunities for professional growth, and good working conditions.	Employs and directs all staff. Works for needed improvement in working conditions, fringe benefits, and salary scale. Capitalizes on skills and initiative of all staff members.	Provide reliable volunteer help when requested by the librarian or board.
I) Administration of Library		
Have indirect responsibility through adoption of plan, policies, budget and employment of library director. Leave all matters of actual administration to library director. Keep in touch with library's progress and problems through librarian's reports and through use of the library.	Has full responsibility for administration of the library within the framework of the library's plan, policies and budget. Reports at each board meeting and in other ways keeps board informed of library's progress and problems.	Guard against infringement of trustees' or librarian's role in connection with the operation of the library.
J) Board Meetings		
Attend all regular and special board meetings. To promote mutual understanding and aid in coordination, arrange to have the librarian or a representative of the board attend Friends of the Library meetings.	Attends all regular and special board meetings.	To promote understanding and aid in coordination, arrange to have a representative from the Friends of the Library attend library board meetings.

Generally speaking, it is appropriate for library trustees and library staff members to belong to the Friends of the Library. This, in fact, can help to insure cooperation of effort. Care should be exercised, however, to keep clear the respective responsibilities and prerogatives of trustees, Friends, and staff. To avoid possible conflict of interest, current trustees and staff should not hold office in the Friends of the Library organization.

The following is a list of suggestions for trustees, librarians, and Friends to follow to promote good relationships:

Trustees	*Librarian (Library Director)*	*Friends of the Library*
Have policy regarding relationship of the library and Friends. Fulfill the legal and professional responsibilities of trustees. Be aware of ways that Friends can be helpful and let them know. Be receptive to offers from Friends. Encourage good communication with Friends, e.g., have *ex-officio* representative from library at Friends' meetings.	Assist trustees in formulating a policy statement regarding Friends and in following it. Administer the library competently and with foresight; aid trustees and Friends by providing pertinent information and sound recommendations. Help trustees and Friends to achieve full cooperation consistent with their roles, e.g., • Have good rapport with both. • Offer suggestions when needed. • Be flexible in reacting to ideas they propose.	Adopt bylaws that include clear statement of Friends' supportive role. Make no "purchases" for the library without the librarian's or board's approval. Be alert to recognize ways that Friends can be helpful. Be enthusiastic and resourceful in carrying out whatever projects are undertaken. Make continuous effort to maintain good communication with trustees and librarian.

3. **Code of Ethics for Trustees**

The Michigan Library Association has adopted the following code of ethics for library trustees:

"Ethics Statement for Public Library Trustees"

"Government is a trust, and the officers of government are trustees; and both the trust and trustees are created for the benefit of the people."

So postulated Henry Clay in 1829 in a speech in Kentucky.

Trustees in the capacity of trust upon them, shall observe ethical standards with absolute truth, integrity and honor.

Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the situation.

It is incumbent upon any trustee to disqualify himself-herself immediately whenever the appearance of a conflict of interest exists.

Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.

A trustee must respect the confidential nature of library business while being aware and in compliance with applicable laws governing freedom of information.

Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.

Trustees who accept library board responsibilities are expected to perform all the functions of library trustees.

Adopted by the Michigan Library Association Executive Board June 19, 1989

4. Basic Trustee Duties

When a person becomes a board member, there are basic duties which must be assumed. Library boards will function properly only if these essential responsibilities are fulfilled by each trustee.

A. **Attend all board meetings**. Board conduct their business at meetings. If the members fail to attend meetings, the board cannot function effectively. If a board member cannot attend all the meetings, with rare exceptions for illness or emergencies, the member should resign from the board and make room for someone who can attend.

B. **Participate at the meetings**. It is important that board members actively participate at the meetings. Each trustee should discuss issues and make intelligent votes. Inactive and passive board members weaken a library board. When a person joins a board, he or she is expected to contribute so that the best possible group decisions are made.

C. **Be a team player**. Effective library boards work as a team. Each member shares the common concern for the welfare of the library. While board members should feel comfortable expressing disagreement on various issues, board members should avoid unnecessary arguing. Trustees should deal with each other with mutual respect and good will.

D. **Support board decisions**. It is expected that boards will discuss and debate the matters before making a decision. Once a decision is made, however, all board members should support the decision. Good board members do not criticize or attack decisions after they have been made. Of course, it is proper to seek reconsideration of the issue should situations change in the future.

E. **Be an advocate for the library**. Trustees can promote the library in ways that no one else can do. Board members should seek opportunities to promote the library. Often this will take the form of working to obtain more funds for the library.

F. **Respect the role of the library director**. The board should be careful to respect the management function of the library director. While the board establishes policy and makes major decisions, it does not assume the role of the library manager. That job is delegated to the library director hired by the board. To ensure the best library service, the director must be allowed to manage the library without inappropriate board interference. Board members should conscientiously stay out of management.

G. **Support the library director**. At times the library director may be under attack by a citizen or government official. The board should assume that the director is correct and then investigate the situation. To work properly there should be a high level of mutual trust and support between the board and the director.

5. Orientation

The library director and library board are responsible for providing an orientation for new library trustees. New trustees cannot adequately fulfill their legal responsibilities as board members unless they understand the basics of the public library and of the board's authority. The following is a list of information which should be provided to new trustees as part of their orientation.

- **Tour of the library building**. The new trustee should be given a tour of the public library facility and should be introduced to staff members. Give the trustee a map of the library, a list of staff members, and any other public

library handouts which are provided to the public. The tour should include details of each library department and its function in relation to the working of the entire library.

- **Mission Statement and Long-Range Plan**. Give the trustee copies of the library's Mission Statement and Long-Range Plan and explain their significance.
- **Policy Manual**. Give the trustee a copy of the library's Policy Manual and explain relevant sections. The trustee should be aware that the library board is responsible for adopting and revising library policies.
- **Budget**. Give the trustee copies of current and previous budgets, as well as audit and treasurer's reports, and explain the details. The trustee should be aware that the library board is responsible for the expenditure of library funds.
- **Board Minutes**. Give the trustee copies of recent board minutes and other documents relating to the functioning of the board (for example, bylaws). The trustee should also receive a copy of the Open Meetings Act and should be made aware that all board meetings are governed by this Act.
- **Annual Report**. Give the trustee copies of the library's recent Annual Reports and explain.
- **Library Calendar**. The trustee should receive a calendar of library legal requirements, including the fiscal year, deadlines for filing reports for state aid, when officers are elected, when the budget is prepared, etc.
- **Library of Michigan**. Explain to the trustee the relationship between the public library and the Library of Michigan. Provide the trustee with copies of Library of Michigan publications as necessary.
- **Michigan Library Association**. The trustee should be made aware of the Michigan Library Association and its role in lobbying for public libraries in the state.
- **Role of Director**. Give the trustees a list indicating the different roles of the trustees, the director, and the Friends. It is important that the trustee understand the authorities of these three.
- **Library Cooperatives/ROCs**. Explain the Cooperative and ROC systems to the trustee, including specific services offered by the local cooperative. The trustee should be aware of cooperative-sponsored workshops and should be encouraged to attend training sessions for trustees.
- **Michigan Library Laws**. Give the trustee a copy of the library law under which the public library is established. The trustee should understand the legal authority of the board and should also understand that the board must act as a whole and that individual trustees may not act alone unless authorized by the entire board.

Action Checklist

Trustees' Rights and Responsibilities

1. Do the board members understand their legal authority to govern the library?
2. Do all board members attend meetings?
3. Does the board focus on the big picture?
4. Is the board familiar with the "Ethics Statement for Public Library Trustees?"
5. Do all trustees understand the board's proper relationship to the director?
6. Do all of the trustees understand the board's proper relationship to the Friends Group?
7. Does each board member understand the basic duties of a library trustee?
8. Does the board have a formal orientation for new board members?

CHAPTER THREE:

BOARD ORGANIZATION AND POLICY MAKING

A public library board can be effective only if it runs its meetings efficiently and legally. It is important for each trustee to have a working knowledge of the Open Meetings Act and of the board's own by-laws. Although the task of "hiring a good director" is frequently cited as the most important role of the public library board, the second most important role is probably policymaking. Trustees must adopt written policies to govern the operation of the library and must do so properly to avoid violating any laws.

1. **Michigan Open Meetings Act**[1] (Act No. 267 of the Public Acts of 1976, MCL 15.261-15.275).

   A. **Introduction**

      (1) The Act is known as the "Open Meetings Act."

      (2) It supersedes all local resolutions, e.g., standing rules which relate to requirements for meetings to be open to the public.

      (3) The public body can still adopt rules which would require a greater degree of openness.

   B. **Definitions**

      (1) A public body is any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or propriety authority or perform a governmental or propriety function, or a lessee thereof performing an essential public service and function pursuant to the lease agreement.

      (2) A meeting is the convening of the public body for the purpose of **deliberating toward** or **rendering** a **decision** on **public policy**. There is no meeting unless a quorum is present.

[1] *Reprinted by the Library of Michigan with permission of the author, Susan Wyngaarden, attorney at the Varnum & Riddering law firm, Grand Rapids, MI.*

(3) Closed sessions are meetings or parts of meetings which are closed to the public.

(4) A decision is a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a **vote** by members of a public body is **required and** by which a public body **effectuates** or **formulates public policy**.

C. **Open Meetings**

(1) All meetings of the public body are to be open to the public and held at a place available to the general public unless specifically exempted by a provision of this Act.

(2) All **decisions** are to be made at meetings open to the public.

(3) Whenever a **quorum** of its members is present, all **deliberations**, except as exempted by this Act, shall take place at a meeting open to the public.

(4) Any members of the public that wish to attend may do so. They need not supply their names or any other information as a condition for their attendance at the meeting.

(5) The public has the right to address the public body. However, that body may establish rules of procedure governing the rights of address. Said rules must be recorded. The rules regulating the right of public address may include such controls as the length of time any one person may be permitted to address the body, the portion of the agenda set aside for public address, and a requirement that persons wishing to address the public body identify themselves. The rules may also require that if a large group knows in advance that it will attend a meeting and address the public body, it must make that desire known to the body in advance so as to facilitate planning time allotments and room size requirements.

(6) The only members of the public that may be excluded from the meeting are those guilty of breach of peace actually committed at the meeting.

(7) Judicial proceedings are exempt from the Act unless the court is exercising rule-making power or deliberating or deciding upon the issuance of an administrative order.

(8) When deliberating upon the merits of the case, the following public bodies are exempt from this Act:

(a) Worker's Compensation Appeal Board

(b) Employment Security Appeals Board

(c) Teacher Tenure Commission, if acting as a Board of review from a decision of a controlling board.

(d) Labor Arbitration Panels

(e) Medical Malpractice Arbitration Panels

(9) A committee of a public body can adopt a non-policymaking resolution of tribute or memorial at a session that falls outside the definition of a meeting (i.e., the purpose is not to deliberate toward or render a decision on public policy).

(10) Social or chance gatherings or conferences that are not designed to avoid the Act are exempt.

NOTICE

D. **Contents of all Notices**

(1) Name of the public body

(2) Telephone number of the public body

(3) Address of the public body

(4) Time of the meeting

(5) Date of the meeting

(6) Place of the meeting

(7) Address of location where minutes of the public body are kept for public inspection if that address differs from the address of the public body.

[The Act does not appear to require a statement of the purpose of any meeting. Other statutes may be more restrictive. Township Zoning Act requires that the purpose of the meeting be stated in the required notices for public hearings on zoning amendments and variances.]

E. **Location of Notice**

(1) Posting at the principal office of the public body is mandatory. In addition, the public body may post notices at other locations deemed appropriate, including cable television.

(2) If the public body is part of a political subdivision, notice shall also be posted in the principal offices of the political subdivision.

F. **Timing of Notice**

(1) Regularly Scheduled Meetings - Ten days after the first meeting in a calendar or fiscal year the public body must give notice (described above) of the schedule for regular meetings for the remainder of the year.

(2) Regular Meetings — Change of Schedule - Within three days after a meeting at which the schedule for regular meetings is changed, notice must be given of the new regular meeting dates, times, and places.

(3) Rescheduled Regular Meetings - At least 18 hours prior to a rescheduled public meeting, notice must be given of that particular rescheduled meeting.

(4) Special Meetings - At least 18 hours prior to a special meeting, notice must be given. The 18-hour notice does not apply to special meetings of sub-committees.

(5) Reconvened Meetings - If a meeting is recessed for more than 36 hours, then the notice shall be given 18 hours prior to reconvening the meeting.

(6) Emergency Meetings - In the event of severe and imminent threat to the health, safety, or welfare of the public, no notice is required to hold any meeting if two-thirds of the members serving on the public body decide that delay would be detrimental to efforts to respond to the threat.

(7) Meetings in Residential Dwellings - A meeting may only take place in a residential dwelling if a nonresidential building within the boundary

of the local governmental or school district is not available without cost to the public body. Notice must be published not less than 2 days before the date of the meeting in a newspaper of general circulation in the city or township where the meeting will be held. The notice must be published as a display advertisement, and must conspicuously set off the following language: "This meeting is open to all members of the public under Michigan's Open Meetings Act."

G. **Additional Recipients of Notice**

(1) Public At Large - The public body shall send a copy of the notice to any individual, firm, organization, or corporation that submits a written request. Said notices are to be sent by first-class mail at the times designated above. For this service, the requesting party shall pay a yearly fee which reflects the reasonable estimated cost of printing and postage of such notices.

(2) Media - Upon written request to the public body, any newspaper published in the state or any radio or television station located in the state shall receive copies of all notices from that public body at the time said notices are to be posted. There shall be no fee for this service.

H. **Designated Official**

The public body must formally designate by resolution a person to carry out the posting of the required public notices.

CLOSED SESSIONS

I. **Limited Purposes for Closed Sessions**

The **only** purposes that justify the closed session meetings of a public body are the following:

(1) Disciplinary proceedings against, or personnel evaluation of, a public officer, employee, staff member, or individual agent when said person requests a closed hearing.

(2) Disciplinary proceedings against a student by a public body that is part of the education system which the student is attending, when the student or his parents or guardians so request.

(3) Strategy and negotiation sessions connected with a collective bargaining agreement when **either** party so requests.

(4) Consideration of the purchase or lease of real property until an option to purchase or lease the particular property is obtained.

(5) Consultation with counsel regarding settlement strategy in connection with specific pending litigation, but only when an open meeting would have detrimental **financial** effect on the litigation or settlement position of the public body.

(6) Consideration of the specific contents of applications for employment or appointment to public office if the applicant requests that the information remain confidential. However, actual interviews for employment or appointment to public office shall be held in open meetings.

(7) Partisan caucuses of the state legislature. (The Act addresses only partisan caucuses of the **state** legislature. Party caucuses by the

County Board probably are not exempted if they fit within the meaning of "meeting.")

(8) Consideration of any material exempt from discussion or disclosure by state or federal statute.

J. **Procedure for Closed Sessions**

(1) A two-thirds **roll call** vote is required to call a closed session for the above purposes (4), (5), (6), and (8). A majority **roll call** vote is permissible to call a closed session for the remaining purposes (1), (2), (3), and (7).

(2) Minutes of the meeting at which the call for a closed session is made shall reflect the roll call vote and the stated purpose for the closed session.

(3) Separate minutes shall be taken at the closed session and withheld from the public unless required in a civil action authorized by this Act. Said minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

K. **Specific Statutory Provisions Requiring Closed Sessions**

Although the Act lists only eight permissible purposes for closed sessions, specific statutory provisions requiring closed sessions supersede the general provisions of the Act.

MINUTES

L. **Open Meeting Minutes**

(1) Contents - Minutes for all meetings shall reflect the following:

(a) Date, time, place, and members present and absent;

(b) Any decisions made at an open meeting;

(c) Purpose or purposes for which a closed session was held;

(d) All roll call votes.

Corrections to the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. The corrected minutes must be available at the first meeting after correction, and must show both the original entry and the correction.

(2) Location - Minutes shall be a public record and open to inspection at the address listed on public notice forms. The address of the public body and the place where the minutes must be maintained shall be the same unless a public body has no permanent office.

(3) Inspection - Proposed minutes shall be available not more than eight (8) business days after the meeting. Approved minutes shall be available not more than five (5) business days after they are approved by the public body.

(4) Copying - Copies of minutes shall be available at reasonable estimated costs for printing and copying.

NON-COMPLIANCE

M. **Invalidation of Decisions**

(1) Presumption of Validity - All decisions of a public body shall be presumed to have been adopted in compliance with the Act.

(2) Invalidation of Decisions.

(a) Plaintiffs - The State Attorney General, County Prosecuting Attorney, or any person may institute suit to challenge the validity of the decision.

(b) Court - Said action shall be heard in the Circuit Court.

(c) Venue - Proper venue for the action shall be in the County in which the public body serves. Ingham County shall be proper venue for actions challenging decision of state public agencies.

(d) Time Limitation.

(i) All actions challenging the validity of a decision shall be commenced within 60 days after the approved minutes are made available to the public except as provided below.

(ii) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, the action must be commenced within 30 days after the approved minutes are made available to the public.

(e) Grounds for Invalidation - A decision made by a public body **may** be invalidated if: (i) the public body has not complied with the requirements of Section 3(1), (2), and (3), (Open Meetings 1, 2, 3, **supra**), in making the decision, or failed to comply with requirements pertaining to proper public notice of all regular, rescheduled, special, and reconvened meetings, and such failure has interfered with substantial compliance with Sections 3(1), (2), and (3), **and** (ii) the Court finds that the non-compliance or failure has impaired the rights of the public under this Act.

(f) Re-enactment of Challenged Decisions - If the validity of a decision is being challenged, the public body may re-enact the disputed decision in conformity with this Act without being deemed to have made an admission contrary to its interest. The decision so re-enacted shall be effective from the date of re-enactment.

N. **Injunctive Relief - Compelling Compliance and Enjoining Non-Compliance**

(1) Plaintiffs - The State Attorney General, the County Prosecuting Attorney, or any person may commence a civil action to compel compliance or enjoin further non-compliance with this Act.

(2) Courts - An action for injunctive relief against a local public body shall be commenced in Circuit Court.

(3) Venue - In an action against a local public body, venue is proper in any county in which the public body serves. In an action for an injunction against a state body, venue is proper in any county in which the public body has its principal office, or in Ingham County.

(4) Security - Any person commencing a civil action for injunctive relief shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(5) Mandamus - An action for mandamus against a public body shall be commenced in the Court of Appeals.

(6) Recovery of Costs - Any person who commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further non-compliance to the Act and who succeeds in obtaining relief from the action shall recover court costs and **actual** attorneys' fees for the action.

(7) Joinder of Action - An action for injunctive relief under this section may be joined into a civil action for damages.

O. **Penalties for Public Officials**

(1) Criminal Action.

(a) An **intentional violation** of this Act by a public official **is a misdemeanor** punishable by a fine of not more than $1,000.00.

(b) A public official who is convicted of intentionally violating a provision of this Act for the second time within the same term is guilty of a misdemeanor and shall be fined not more than $2,000.00, or imprisoned for not more than one (1) year, or both.

(2) Civil Action.

(a) Damages, Fees and Costs - A public official who intentionally violates this Act is liable for damages of not more than $500.00, plus court costs and **actual** attorneys' fees to the group or person bringing the action.

(b) Time Limitation - An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(c) Restriction on Number of Actions - Not more than one action under this section shall be brought against a public official for a single meeting.

P. **The Two-Thirds Rule**

The Act requires that a public body may take action in two instances only after obtaining a two-thirds vote. Those instances are whenever the public body wishes to hold an emergency session and eliminate the normal notice requirements, and when the public body wishes to close a session to the public for certain purposes. Votes on closing a session to the public are required to be roll call votes. Roll call votes are not specifically required in the context of emergency meetings.

In our opinion, the Act requires that the number of votes necessary to satisfy the two-thirds rule be calculated from the number of members actually serving on the public body. If a public body is authorized to have nine members but only six members have been appointed or elected, then a vote of four members satisfies the two-thirds rule. The statute does not ameliorate the problem that arises when members are absent. If a public body has nine members appointed or elected and actually serving, and three members are absent, a vote of five to one by the remaining members would not be sufficient to satisfy the two-thirds rule.

2. **By-Laws**

State statutes empower library boards to adopt rules and regulations for their own governance. This is done by writing and adopting a set of by-laws. While the by-laws are very important, they do not need to be lengthy or elaborate and may be only a few pages long.

By-laws are the basic rules relating to the library board as an organization. They define the primary characteristics of the library board and prescribe how the board functions. The by-laws also include the most important rules of the board. Usually these rules are made more difficult to amend than adopted policies outside of the by-laws. Most organizations require a majority vote to change a policy and $^{2}/_{3}$ vote to amend a by-law.

Great care should be taken in writing by-laws. The board may want to examine the by-laws of other libraries to get started. **Roberts Rules** emphasizes that "indisputability of meaning and application is a more important consideration than 'readability.' " The best written by-laws are drafted so as to be impossible to quote out of context. This requires the careful use of tight, unambiguous language. Boards must also be careful to avoid having one section of the by-laws contradicting or changing the meaning of another section.

While there are many optional areas that can be covered in the library board by-laws, the following are considered to be basic:

- The official name of the library.
- The legal authority of the library board.
- Officers, e.g., how elected, terms of office, etc.
- Meetings, when held, quorum, order of business, etc.
- Committees.
- Amendment of the by-laws.
- Other special provisions

3. **Policymaking**

One of the library board's most important functions is to develop policies to govern the public library. Library boards should adopt two separate policy manuals: one to cover rules and regulations regarding use of the public library building and collections, such as selection of library materials, and one to cover personnel issues. The Michigan Library Association (MLA) has compiled two publications to assist library boards in developing policies: **Public Library Policy Resource Manual** and **Library Personnel Policies**. These publications include sample policies from various Michigan public libraries.

A Michigan public library cannot operate effectively without formally-adopted written policies. "Formally-adopted" means that the policies must be adopted by resolution of the library board in a meeting conducted according to the Open Meetings Act. Policies adopted by any other method may not be valid if challenged by patrons.

The public library board's formally-adopted, written policy manual is updated as the board amends old policies or adds new policies throughout the year. The board should review the policy manual annually and update as necessary. Any updates are adopted in a formal open meeting, although the actual drafting of revisions may be delegated to library staff.

When updating the policy manual, the library board should review each policy to determine whether the policy is still effective and is still legal. Each policy should be reviewed to determine if it is reasonable, legal, and applied equitably. Policies which do not meet these three criteria may be declared invalid.

Action Checklist

Board Organization and Policymaking

Bylaws

1. Does each member have a copy of the current bylaws?
2. Are all important areas covered by the bylaws?
3. Are all the sections written in understandable language?
4. Have the bylaws been reviewed recently?

Open Meetings Act

1. Do all of the board members understand the Open Meetings Act?
2. Are closed sessions limited only to those permitted by the Act?
3. Are the public's rights of attendance and participation being respected?
4. Are meeting notices properly posted in the library?
5. Are minutes being taken for all meetings?
6. Are closed session minutes being retained in a secure manner?

Policymaking

1. Do the policies support the mission, goals and objectives of the library?
2. Were the library policies formally adopted by the board?
3. Are the policies reasonable?
4. Are the policies written in clear and unambiguous language?
5. Do the policies comply with federal and state laws?
6. Have the policies been compiled in a general policies manual and a personnel policies manual?
7. Are the policies understood by the board members and the director?
8. Have the interrelationships between policies been considered?
9. Are the policies administered consistently?
10. Are the policies effective?
11. Has the policy manual been reviewed within the last year?

CHAPTER FOUR:

PLANNING, ROLE SETTING, AND BUDGETING

1. Planning and Role Setting

Every library board has a fundamental duty to develop an effective library plan. It is tempting to focus on more immediate concerns and put planning indefinitely on the back burner, but a board cannot let this happen. A good plan becomes a roadmap for the library. It assists the board and the director in making decisions that are the best ones for the community being served. It also publicizes the library's priorities and its vision of the future.

The plan should reflect intense examination of the following questions:

- What is the present state of the library? How is the library meeting the needs of the community? What are the economic, political, and cultural factors that have an impact on library services? What trends can be identified as being significant to the library? What role does the library want to play in the community?
- Where should the library be in the future? What is the mission of the library? What are the goals? What does the library want to accomplish?
- How will the library get to the future? What steps should be taken? Who has responsibility for each step?
- What is the best sequence for the steps? What is the timetable for the implementation steps?
- How will the board determine when the plan has succeeded? What measurements will be used?

Planning involves looking at what is possible and considering a wide range of alternatives. Open-mindedness and creativity help to develop a plan which will direct the most effective use of library resources. Board members should keep in mind the present and future needs of the entire community served by the library. Obtaining input from members of the public, as well as from the director and staff, is critical. Also, the director and staff must have strong involvement in the formulation of the plan.

Planning is not always easy. It requires hard work, and it takes much time. It involves a thorough examination of many factors and ideas. An excellent tool in this process is the American Library Association's (ALA) **Planning and Role Setting for Public Libraries**. It is a good idea for each library board to have a copy of this publication and to implement it during the planning process.

Role setting is an integral component of planning for the public library. The library board must determine what roles the library will play in the community, and the library's goals should reflect those roles. The chosen roles for a public library indicate what the library is trying to do, who the library is trying to serve, and what resources the library needs in order to achieve these goals. The ALA publication on planning and role setting describes eight potential roles for public libraries: community activities center, community information center, formal education support center, independent learning center, popular materials library, preschoolers' door to learning, reference library, and research center. It is the responsibility of the library board to decide which of these roles they want their public library to emphasize.

2. **Planning Statements**

Plans should have a hierarchy of planning statements, including a mission statement, goals, objectives, and action statements:

- **Mission Statement** - a tightly-worded statement of the library's purpose for existing. Mission statements are usually expressed in a few sentences. They should be carefully worded to provide enough specificity to serve as a guide for the rest of the plan without being too wordy. A mission statement is the most basic and permanent part of the plan. Mission statements are not changed very often and from them flow the goals, objectives, and action statements.
- **Goal** - a broad statement of what the library should be doing in the future. A goal must be consistent with the mission statement.
- **Objective** - a statement of a specific result to be accomplished in support of achieving a goal.
- **Action Statement** - a statement describing the means used to support the accomplishing an objective. These are the most specific of the planning statements.

When it is possible, objective statements should be quantifiable—capable of being counted or measured. This allows for a determination of the successful accomplishment of a goal. For example, if you want to expand branch library service, you could consider the following objective statements:

- The library will provide more branch libraries.
- The library will establish two new branches in the next three years.

Because the second statement is quantifiable, it is easier for the board to determine if this expectation has been met.

3. **Evaluation**

After the plan has been finalized and implemented, the planning process shifts to review and evaluation. The board will monitor the plan's progress. Have any goals been accomplished? Are parts of the plan out of date and in need of amendment? Are there new elements that need to be added to the plan? Plans are not set in stone. They are dynamic documents and at times it is necessary to change them. While mission statements are not apt to be changed for a long time, goals, objectives, and action statements are likely to be altered in the review process.

4. Budgeting

Effective library planning includes budgeting. The budget reflects the priorities of the overall library plan and identifies how resources are allocated throughout the library.

Boards work with the director in developing the budget. Usually the director proposes a draft budget and presents it to the board for approval. The board then reviews the draft budget and approves it for implementation.

Budgets must be written in conformity with Michigan law. A proper budget must be adopted by the board before the beginning of the fiscal year. See also "9. Audits" in Chapter Seven.

Keeping in mind that trustees are legally responsible for all expenditures of library funds, board members must have a thorough understanding of the budget. This requires the library director to provide detailed financial reports and full explanations. It also requires the board to ask questions when clarification is required. Budget information must be accurate, thorough, and timely. The library board should request written updates on the budget on a regular basis. A budget problem is much easier to solve in the middle of a fiscal year rather than at the end. Preparation of a budget often takes a great deal of time. Consequently, boards are wise to adopt budget preparation/review schedules to ensure sufficient time for deliberations. It is a good idea to develop a comprehensive timetable which identifies specific deadlines for each step of the process. This will permit full consideration and debate on all significant elements of the budget.

A budget may tell the board that the overall funding of the library is inadequate. This should focus attention on the board's responsibility to obtain adequate funding for the library.

Action Checklist

Planning and Budgeting

1. Has the board developed a long-range or strategic plan for the library?
2. Has the board benefited from the library director's input in the planning process?
3. Has the long-range or strategic plan been evaluated in the last year?
4. Has the board adopted an effective annual budget which supports the long-range or strategic plan?
5. Is the library adequately funded?

CHAPTER FIVE:

THE LIBRARY DIRECTOR

As indicated previously in Chapter Two, the library board is responsible for broad policymaking for the public library, whereas the library director is responsible for the day-to-day management of the library. One of the library board's most important functions is to hire a good library director and to delegate sufficient authority to the director. The board is also responsible for evaluating, and perhaps dismissing, the library director. The board should, however, delegate to the library director the hiring, supervision, and evaluating of all other library staff.

1. Hiring a Library Director

Prior to hiring a library director, the library board should be aware of two things:

- There are specific discrimination laws which prevent employers from asking certain questions during the interview process.
- The person hired as library director represents the library board as the administrator of the library, and the library board is responsible for any actions of the library director. It is therefore important to hire the best person for the job.

By keeping the hiring process legal, the library board will avoid lawsuits from the unsuccessful applicants. By careful planning, including a good job description and a careful interview process, the board should be able to hire the "right person" as library director.

The first step in hiring is to write a clear job description stating the specific duties of the library director. An abbreviated form of the job description may be used in the job posting, but complete job descriptions should be sent to applicants for the position.

The job description should indicate the minimum requirements for education and work experience. Prior to writing the job description, library boards should contact their cooperative director or the Library of Michigan to determine the certification requirements for their class size library. Failure to meet minimum requirements will result in the library losing state aid and, possibly, cooperative membership.

The job description should also include any "preferred" characteristics, such as specific job experience or other work-related qualifications. Note that a library board may hire a person who does not meet all of the "preferred" qualifications but may **not** hire a person with less than the stated "minimum requirements."

For both minimum requirements and preferred qualifications, do not list anything which is not job related. Also, do not list any discriminatory requirements or qualifications unless they are directly related to the job. For example, the requirement that the applicant be in "excellent health" may be interpreted as discrimination against the handicapped. It is quite likely that a handicapped person who is not in "excellent health" could perform the library director's job quite satisfactorily. On the other hand, it is not unreasonable or "unfair discrimination" to require the bookmobile driver to have a valid driver's license, even though this would exclude blind applicants and others with health problems which prohibit them from driving. Never include any qualifications based on religion, race, color, national origin, age, sex, height, weight, or marital status.

After the applications have been received and sorted, the board will select applicants for interviews. There are two important things the board should know about the interview process:

- Interviews for the library director must be held in open meetings pursuant to the Open Meetings Act.
- During the interview, there are specific questions which are considered discriminatory and which the board is not legally permitted to ask.

A. **Open Meetings Act Requirements**. When hiring a new director, the library board must carefully follow the requirements of the Open Meetings Act. The act requires boards to conduct their business in an open way, permitting public scrutiny.

The board's consideration of employment applications should be done in open session, unless the person named in the application requests confidentiality, in which case the board must go into closed session. Members of the public are not permitted to attend closed sessions.

Interviews must be held in open session. The public may attend interviews, but they are not permitted to ask questions or make statements during interviews. The Open Meetings Act requires that the interviews be held in public buildings, unless there is no public building available for free. Notice of all interviews must be posted at the library.

Open Meetings Act violations can lead to serious problems, especially in the hiring process. It is important that library boards understand and follow all parts of the Open Meetings Act.

B. **Illegal Questions**. During the interview of the candidate, the library board is not permitted to ask any questions related to the following:

- Marital status
- Nationality or religion
- Age
- Race, height, weight
- Citizenship (except for the question "Are you a U.S. citizen?" and "If not, are you legally in this country and legally able to work here?")

- Questions relating to specific handicaps, health, and diseases (except for "Do you have any physical or mental disability which would prevent you from performing the job as described in the job description and the interview process?")
- For questions on crimes, you may ask whether a person has been convicted of a crime or whether the person has any felony charges pending against them. You may not, however, ask about arrests.

Note that these "illegal" questions may not be asked on the written application form nor during the oral interview process. If the board asks an illegal question of an applicant, and the applicant is subsequently hired, there will be no problem. A problem could arise, however, if an applicant is asked an illegal question and answers it, and the board does not hire that applicant. In that case, the applicant may file a suit against the library board for discrimination in hiring.

To safeguard against asking any illegal questions, it is a good idea for the library board to have a written list of questions which are asked of each applicant. The questions asked are identical and are asked in the same order for each applicant. This not only helps protect against asking illegal questions, but it also helps to focus the library board's questioning on pertinent questions relating to the applicant's job-related abilities. Also, by asking the same questions of each applicant, it is easier to compare applicants when the interview process is completed.

Hiring the director is a task which the board should not take lightly, because it will have long-lasting and far-reaching consequences. Library boards are encouraged to attend workshops on interviewing and hiring, as well as to read articles on interviewing prior to beginning the process. The Michigan Department of Civil Rights is a helpful resource on avoiding discriminatory interview questions.

2. **Delegating to the Library Director**

In order for the public library to function properly, the library board must delegate control of most functions to the librarian. For example, the library director should be delegated the authority to:

- Hire, fire, evaluate and supervise other library staff.
- Select and purchase library materials.
- Prepare procedures for implementing library policies.
- Prepare programs.
- Perform day-to-day library functions.

The board should make a formal delegation of this authority. Basic delegation is done through the official job description of the library director. Further delegation of authority should be made through formal resolutions of the library board in an open meeting.

Although most library functions are delegated to the library director, there are some functions which the library board cannot delegate:

- Hiring the new library director (i.e. the library director's successor).
- Final approval of the budget (although the library director will be involved in the preparation of the budget).
- Final approval of new building plans and construction contracts.

- Accepting large in-kind donations or donations with specific restrictive conditions.

For more information relating to the separation of board functions and library director functions, see Chapter Two.

3. **Evaluating the Library Director**

A. **Annual Evaluation**. Just as the library director should perform annual evaluations of library staff, the library board should annually evaluate the library director. This evaluation is performed during a board meeting conducted pursuant to the Open Meetings Act, but the director has the option of having the evaluation conducted in a "closed session." See Chapter Three for further information on the Michigan Open Meetings Act.

The annual evaluation is based on the library director's job description and goals agreed upon at the time of hiring (or subsequently). The annual evaluation is usually linked to salary increase.

There are several reasons for conducting annual evaluations of the director. First, the evaluation lets the library director know if he or she is performing the job expected by the library board. If the library director is not living up to the board's expectations, it may be due to a lack of communication between the board and the library director. The annual evaluation is a good time to clear up any communication misunderstandings.

The annual evaluation is also a good time for the board to communicate its expectations for the upcoming year. It will be easier for the library director to fulfill the board's expectations if they are clearly communicated during the evaluation process.

NOTE: The library director's first annual evaluation should not be sprung on the library director "by surprise" or with short notice. Rather, one year prior to the annual evaluation, the library director and board should meet to determine the goals for the year and the criteria for evaluation.

B. **Discipline or Dismissal**. If there is a serious problem with the library director's performance, however, the library board should not wait until the annual evaluation to address the situation. The library board, as a group (and in a closed session if the library director requests it), should communicate their displeasure with the librarian's performance as soon as possible. This will give the library director adequate time to adjust his or her performance to meet the wishes of the library board.

If the library director is unwilling or unable to change his or her performance to meet the demands of the library board, the situation may necessitate the dismissal of the library director. The library board should not dismiss the library director without careful consideration of the facts, as it is not uncommon for dismissed employees to bring wrongful termination lawsuits against their former employers.

First, the board must determine whether it is the proper body to do the firing. For example, the library boards of city, village, and townships libraries established pursuant to 1877 PA 164 are authorized by statute to fire employees. Other types of city or township libraries may or may not have that authority.

Unless the director is hired "at will" the library board must also look at the reasons for dismissal. Is the reason legal? If the library director's contract indicates that he or she may be terminated only for "just cause," does the reason for termination qualify as "just cause?" For example, firing someone because they attempted to organize a union would not be legal.

The reason for dismissal must be reasonably related to the job. For example, being drunk on the job, poor attendance, or illegal activities at work could all be reasons for dismissal which would satisfy the "just cause" requirement.

Before the board fires the library director for any reason, even if it is for "just cause," the board should first document the behavior and have proof of notice to the employee to stop the behavior. The following seven factors should be considered prior to making a final decision to dismiss a library director:

(1) Was there notice to the employee?

(2) Was the reason for termination reasonably related to library employment?

(3) Was there an investigation and documentation?

(4) Was the investigation fair and objective?

(5) Was there proof of a violation?

(6) Is there equal treatment of other library employees in similar situations?

(7) Is termination of the library director an appropriate penalty? In other words, even if the library director has done something wrong, has been given notice, and has not ceased the activity, is termination too harsh of a penalty? Or is there some lesser penalty which would be more reasonable?

Prior to any termination, it is important to remember that the library director may be "acting improperly" not because of "insubordination," but because of poor communication by the library board. Without clear communication from the board, the librarian may not be aware of the problem. If the reason for terminating the library director is "poor performance," the library board must document that notice was given prior to termination and that the library director was given an opportunity to improve performance. The documentation should indicate specific requests made by the library board which the library director did not carry out.

The problems that arise when an employee is dismissed highlight the importance of the library board hiring a good library director in the first place. Hiring the best library director for the job may be the most important function that the library board ever performs.

Action Checklist

The Library Director

1. Does the board know the laws relating to hiring, disciplining, and firing a director?
2. Has the board written a clear job description stating the specific duties of the library director?
3. Does the board know the state certification requirements for the director?
4. Does the board know which interview questions are illegal?
5. Has the board delegated the proper amount of authority to the director?
6. Does the board conduct a formal annual evaluation of the director?
7. Does the board know if library staff are "at will" or "just cause" employees?

CHAPTER SIX:

INTELLECTUAL FREEDOM

1. **Role of the Trustee in Intellectual Freedom**

Intellectual freedom is a major concern of libraries. Individuals or groups may attempt to censor library materials which they feel are objectionable. The library board, as the trustee of the library, has the responsibility of championing the cause of intellectual freedom, including fighting all censorship efforts. This can be a difficult and uncomfortable responsibility to carry out, but it is necessary for the proper functioning of libraries.

The selection of library materials is an essential process which is strongly related to intellectual freedom. The board must adopt a written materials selection policy for the library which reflects the library's objectives. It should also clearly support the right of all members of the community to have access to a wide range of materials, including items which some people might find to be objectionable.

In some cases, persons objecting to library materials may attempt to persuade the library to remove the items. To deal with these attempts, the library board should adopt a policy and procedure for hearing patron complaints. Usually these policies require a patron to fill out a form which asks the patron to identify the objectionable material. The patron might also be required to discuss the matter with a specified staff member before the board will consider the complaint. After going through these steps, the patron is permitted to request that the library board review the complaint.

Some protests about library materials result in patrons appearing at regular board meetings to present their points of view. The Michigan Open Meetings Act requires boards to give any member of the public an opportunity to address the board on any subject (see Chapter Three). This is not an unlimited right, and a board may adopt reasonable rules to limit the length of presentations. Such rules avoid catering to long-winded orations, while still respecting free speech and democratic participation of the citizenry.

Library materials are often attacked as being "obscene," although the use of this word is usually inaccurate. Board members should know that it is extremely unlikely that any library material fits the legal definition. They should also know that even if an item is legally "obscene," the library staff is immune from prosecution and there is little chance that legal action will be brought against the board.

Handling a censorship attempt can be an uncomfortable experience. Censors are often very determined and tough-minded. They believe that the "objectionable" material threatens their values, they feel they have a moral duty to attack, and they do not like to lose. The board must be prepared to handle these complaints. Trustees should have a good knowledge of the laws regarding intellectual freedom. They should also know about the Library Bill of Rights, the ALA Freedom to Read Statement, and other ALA IF statements. Board members should be emotionally prepared to withstand the potential heat of battle with censors. They should know how to defuse unnecessary conflicts and how to deal with conflicts which cannot be avoided. They need to possess the courage to defend library materials from censorship, even when many angry citizens despise the values reflected by the material under attack.

Censorship attempts are on the rise in libraries, and Michigan is no exception. There have been many recent attempts by individuals and organizations to have library materials removed. The board must be prepared to assume its "trustee" responsibility, including the duty to protect and advance intellectual freedom.

2. **Policies for Materials Selection**

Selection is the opposite of censorship, and the selector is looking for value in a book whereas a censor is looking for the book's negative characteristics. The public library's materials selection policy should be looked at in the positive light of selection, rather than avoiding censorship. For samples of selection policies, see the Michigan Library Association's (MLA's) publication, **Before and After the Censor**. This useful publication also includes copies of the Library Bill of Rights, Library Privacy Act, and other relevant legislation.

There are five points to remember in drafting materials selection policies:

A. The library must have a materials selection policy, and it must be in writing. If a library is faced with a formal censorship challenge, the written materials selection policy will give the board a local statement to rely on in its defense of the challenged material. Obviously, book reviews and other outside sources are helpful in defending the material, but a materials selection policy adopted by the **local** library board provides an excellent defense because it was created with input from local residents.

B. The governing board of the library **must** adopt the materials selection policy in a formal meeting. The meeting must be held under the Michigan Open Meetings Act, including posting notice and allowing the public to attend and comment. Under the Michigan Open Meetings act and Freedom of Information Acts, the materials selection policies must be made available to the public.

C. The library's materials selection policy must include a standard written complaint form for the patron to fill out, usually called "Reconsideration of Library Materials." For samples of these forms, see MLA's **Before and After the Censor**.

D. The library staff and board of trustees must be aware of the contents of the materials selection policies. If there is a challenge to library materials, the library staff and board members must speak with one voice. A basic understanding of the library's selection policy will aid in this unity. Also, if the library staff understands the materials selection policy, there will be less chance of "internal censorship" on the part of library staff.

E. The policy itself should include these elements:

- Statement of purpose of the materials selection policy.

- Staff responsibilities for selection.
- Budget allocation.
- Criteria for selection.
- Description of selection process.
- Gift items.
- Procedure for withdrawing materials from the collection, i.e., weeding or deselection.
- Steps for handling objections to materials.

For an in-depth discussion on these elements, see MLA's **Before and After the Censor**.

3. **Patron's Right of Access to Libraries**

The Michigan Constitution, Article 8, Section 9, provides for access to public libraries by Michigan residents. The Elliott-Larsen Civil Rights Act, 1976 PA 453, provides that public accommodations (which include public libraries) may not discriminate based on "religion, race, color, national origin, age, sex, height, weight, or marital status." Because Michigan public libraries are required to provide access to Michigan residents, and because the Elliott-Larsen Civil Rights Act indicates that public libraries may not discriminate based on age, a public library board must make all facets of library service available to all residents, regardless of age or other classifications.

Library boards which adopt policies which limit minors' access to library services may be subject to liability for a civil rights violation.

4. **Michigan Library Privacy Act**

The Michigan Library Privacy Act, 1982 PA 455, MCL 397.601-397.605, provides that a library may not disclose "library records" to any person without the written consent of the person identified in the record. A "library record" is defined in the statute as a document, record, or other method of storing information which identifies a person as having requested or obtained specific materials from a library.

Library boards should take care that their policies do not permit unauthorized disclosure of library records. It is especially important when selecting a circulation system to ensure that the system does not disclose protected information. For example, the "Newark" system of a signed card placed in the book pocket would constitute a disclosure of a "library record" in violation of the Library Privacy Act.

Action Checklist

Intellectual Freedom

1. Does the board understand its duty to champion the cause of intellectual freedom and to fight attempts to censor library materials?
2. Does the board understand the library's duty to make a wide range of materials available, including materials that some people will consider to be offensive?

3. Has the board adopted a written materials selection policy?
4. Does the policy include provisions on handling patron complaints about library materials?
5. Is the board familiar with the **Library Bill of Rights** and **ALA's Freedom to Read** statement?
6. Does the board understand Michigan's Library Privacy Act?

CHAPTER SEVEN:

FUNDING

1. **Penal Fines**

In 1835, delegates to the first Michigan Constitutional Convention passed a constitutional provision which encouraged the legislature to "provide for the establishment of libraries... and clear proceeds of all fines assessed in the several counties for any breach of the penal laws shall be exclusively applied for the support of said libraries."

The 1963 Michigan Constitution readopted a provision from the 1908 Constitution which guarantees that all fines collected for violation of state penal laws are to be used exclusively for library purposes. Michigan has enacted statutes requiring that all fines collected for violations of the state penal laws be paid to the local county treasurer. The penal fines collected within each county are distributed in that county. The Library of Michigan is charged by 1964 PA 59 to provide a letter to county treasurers and clerks each July 15th, which identifies the public libraries' service populations within the county.

1964 PA 59 also directs the county treasurer to take the following action by August lst of each year:

- Distribute a fixed amount of penal fines to the **county law library** fund in accordance with 1982 PA 18.
- Distribute on a per capita basis, penal fine revenues to all **public libraries** serving residents of the county.

Statutes provide the legal basis for courts to impose penal fines and costs in both criminal and civil cases. The judges have a great deal of discretion in deciding the actual amount of fines and court costs, which results in a fluctuation of penal fines from year to year and from county to county.

Municipalities often circumvent the constitutional penal fine provisions by adopting their own local parallel ordinances. When violators are fined under the local ordinances rather than under state penal laws, the fines paid do not go to public libraries.

Many Michigan municipalities do not have separate public libraries. Residents of such municipalities receive services through contracts with legally-established public libraries in exchange for their penal fines and other funds. These contracts must be on file with the Library of Michigan to direct penal fine revenues to the appropriate public library. Each year, the Library of Michigan receives a variety of amendments, changes, and revisions to existing contracts which affect the service area population of public libraries. All contracts must be in effect by June 30 of each year to be properly recognized by the July 15 statutory deadline.

2. **State Aid**

Since 1939, with the exception of FY 1940 and FY 1941, the State of Michigan has provided state aid grant assistance to Michigan public libraries. Although the funding formula has changed significantly over the years, public libraries and library cooperatives continue to receive state aid funding as appropriated by the state legislature on an annual basis. Currently, 1977 PA 89 sets forth the statutory provisions for library cooperatives and public libraries and the formulas for disbursing state aid grants. 1977 PA 89 places the responsibility on each public library and library cooperative to decide whether they will apply for state aid annually.

Under guidelines established by the Legislative Council, the public library filing a state aid application must meet all three guideline requirements: (1) 3/10 mill local financial support, (2) hours open, and (3) certified personnel. For "hours open" and personnel requirements, guidelines vary in number and educational levels with the size of the public library's service population. For specific guidelines, consult the latest Library of Michigan **State Aid Brochure** and **Certification Brochure**.

A. **Direct State Aid**. After the public library files a state aid application and it is determined that guidelines are satisfied, the public library receives a state aid reimbursement based on a *per capita* amount. The current legislation authorizes a maximum level of $0.50 as the *per capita* amount, but actual appropriations may be less than this amount.

B. **Indirect State Aid**. A public library is also eligible to receive a second identical *per capita* grant if the public library chooses to be a participating member of a library cooperative. This portion of the state aid grant, all or part, must be spent on purchasing services from the library cooperative. This state aid payment is generally referred to as indirect state aid, or membership state aid.

C. **Library Cooperative State Aid**. Library cooperatives also receive a direct *per capita* payment for the population assigned to the cooperative's designated service area. This state aid is used to support a variety of activities as outlined in the cooperative library's plan of service to member libraries.

D. **Sparse Population**. To compensate sparsely populated areas, a special cooperative grant based upon $10.00 per square mile is made to those library cooperatives whose population is less than 75 people per square mile. This second cooperative grant benefits the library cooperatives in northern Michigan.

E. **County Libraries**. A grant of state aid is provided to those county public libraries which serve less than 50,000 persons. The grant provides up to $4,800 if the county library employs a director with a master's degree in library science and four years of administrative experience.

The deadline for filing for state aid consideration is February 1 of each year. Distribution of state aid is usually completed by June of each appropriation year.

3. **Appropriations**

Public libraries may receive local funding through appropriations from local municipalities. Municipalities (including counties, cities, villages, townships, or school districts) may appropriate from their general funds to provide library service to residents of the municipality. These appropriations may be made if the public library is located within the municipality's boundaries (legal service area) or if the municipality contracts with a neighboring public library to provide library services to its residents (contractual area).

With a few exceptions, municipalities are generally not required by law to provide appropriations for a public library service. If there is no special statute or written contract by which the municipality agrees to fund the library, the library board cannot force the municipality to make appropriations from the general fund. If the local municipality is unwilling or unable to provide appropriations sufficient to cover library funding needs, then the library board should consider attempting a millage campaign.

4. **Individual Library Millages**

In lieu of, or in addition to, local appropriations, a public library may be funded through library millages. These millages are voted on by the electorate and are designated specifically for library purposes. Local municipalities may not use library millages for any other purposes.

A. **City, Village, and Township Libraries**. Millages for township and village libraries are covered by sections 10 and 10c of the City, Village, and Township Libraries Act, 1877 PA 164, MCL 397.210 and 397.210c. City library millages are covered by section 1, or sections 10a and 10c, MCL 397.210, 397.210a, and 397.210c. Section 10c provides that libraries established pursuant to sections 10 or 10a of 1877 PA 164 may place library millage questions on the ballot by presenting a resolution to the local municipal clerk for inclusion on the ballot at a regular or special election. City libraries established under section 1 of 1877 PA 164 are eligible for up to one mill without a vote and an additional mill with a vote, both at the discretion of the city council.

City, village, and township libraries which were not established pursuant to 1877 PA 164 may attempt millages pursuant to MCL 397.210 or MCL 397.210a if they also simultaneously re-establish as 1877 PA 164 libraries (MCL 397.212). This is accomplished by including establishment language in the ballot question for library millage. Under these sections, a petition signed by at least fifty (50) voters must be presented to the local municipal clerk for inclusion on the next regular election ballot.

B. **District Libraries**. District library boards may place district-wide millage questions on the ballot by resolution of the library board. If an individual municipality within a district library district wishes to provide separate millage support for the district library, the governing board of that municipality may place the millage question on the ballot. See 1989 PA 24 for specific provisions on district library millage elections.

C. **County Libraries**. Millages for county libraries are placed on the ballot by the County Board of Commissioners pursuant to 1917 PA 138, MCL 397.301. If the County Board of Commissioners does not choose to place the library millage question on the ballot, there is no way for a library board to place a county-wide millage question on the ballot. Residents of the county may wish to petition the County Board of Commissioners, but the petition does not make placement on the ballot mandatory.

D. **School District Public Libraries**. School district public libraries may no longer be funded by millages because of the school finance reform legislation of 1994.

Although public library funds may not be used to fund millage campaigns, the library board of trustees should support library millage campaigns. Separate "Campaign Finance Committees" are set up through the Michigan Bureau of Elections (Department of State) and are funded separately. Individual board members, Friends, or off-duty staff members may participate in the activities of the Campaign Finance Committee.

For more information regarding library millage campaigns, see the Michigan Library Association publication entitled **Successful Millage Campaigns**.

5. **County-wide Millages**

Several counties include one or more public libraries which may not have their own voted library millages. Instead of attempting a separate library millage campaign in each library's legal and/or contractual service area, some libraries have obtained a county-wide millage which is divided among the libraries in the county based on a formula (per capita or other) agreed to by the libraries.

These county-wide millages are placed on the ballot by the County Board of Commissioners, pursuant to 1917 PA 138, MCL 397.301. Prior to the vote on the county-wide ballot question, all of the library boards in the county enter into a library services agreement with the County Board of Commissioners and the county library board, if any. This agreement details the method of division of the county library millage and the amount to be collected annually.

The benefit of a county-wide millage is that all service areas within the county, both legal and contractual, levy the library millage. This avoids the problem of only the legal service areas providing millage funds, while the contractual areas provide only penal fines and perhaps a token appropriation.

6. **Re-establishing as a District Library**

Frequently, city, village, and township libraries receive adequate funding from their legal service areas but are unable to extract fair payment from the contracting municipalities. If the option of a county-wide millage (see above) is not possible, these libraries may wish to re-establish as district libraries pursuant to 1989 PA 24.

By re-establishing as a district library, a city, village, or township library increases its legal service area to include additional municipalities (usually served previously as contractual areas).

After re-establishing as a district library, the library board is authorized to place a district-wide millage question on the ballot for voter approval. If approved, this millage covers the entire district. See the Library of Michigan's publication, **District Library Law: Establishing and Funding a District Library**.

7. **Fundraising**

The library board of trustees may find that penal fines, state aid, and local appropriations or millages are not sufficient to fund the public library. The board should examine other fundraising options, such as special fundraising events, direct grants, or soliciting donations. Before starting a major fundraising campaign or establishing an endowment fund or foundation, the library board should consult its attorney to avoid violation of any state or federal laws on soliciting charitable donations.

45

8. LSCA

The Library Services and Construction Act (LSCA) is the Federal Act that authorizes federal funding for American libraries. Administration of LSCA is directed by the U.S. Department of Education, and the act is re-authorized by Congress approximately every five years. In 1994, LSCA funds were available under eight programs: Title I, public library service; Title II, public library construction; Title III, resource sharing among all types of libraries; Title IV, library service to Indians and native Hawaiians; Title V, foreign language materials; Title VI, literacy programs; Title VII, evaluation and assessment; and Title VIII, library learning centers. Each year Congress determines the level of support it wishes to apply to each title. The President then signs a budget bill enabling such appropriations.

State library administrative agencies are given responsibility for administering Title I, II and III grant programs. The remaining titles are centrally administered by the U.S. Department of Education. In Michigan, LSCA Title I, II and III allotments are used to extend library service at the local level through an expansive subgrant program.

LSCA Title I. Michigan's LSCA Title I allotment is granted annually and is administered by the Library of Michigan. Only public libraries, libraries for the blind and physically handicapped, state institutions, and public library cooperatives are eligible to receive grants of Title I funds.

Each year the Library of Michigan identifies the eligible program activities and includes this information in the application materials and guidelines distributed to all public libraries. The Library of Michigan funds over one hundred Title I discretionary grant projects annually.

Title I for public library services identifies the following eighteen purposes for which these funds may be used:

- To extend library services to areas of the state and to individuals without services;
- To extend and improve library services to areas of the state in which services are inadequate;
- To strengthen public library service for the disadvantaged;
- To improve library services to the blind and physically handicapped;
- To improve library services to residents of state-supported institutions;
- To strengthen the state library administrative agency;
- To strengthen statewide public library service through the support of major urban resource libraries;
- To strengthen statewide public library service through the support of metropolitan libraries;
- To improve the delivery of library services to individuals with limited English speaking proficiency;
- To improve the ability of older adults to access library and information services;
- To strengthen the ability of individuals to access community information referral centers;
- To enhance the ability of public libraries to strengthen Michigan's literacy rate;

- To extend and improve library services to individuals who are handicapped;
- To assist public libraries to develop intergenerational literacy programs;
- To assist public libraries to develop child care center programs;
- To assist libraries to develop model library literacy programs;
- To strengthen public library services for drug abuse prevention programs; and
- To strengthen administration.

LSCA Title II. Title II funds are used to assist public libraries in providing adequate facilities for the provision of library service and programs. Projects eligible for LSCA funding include:

- Construction of a new library;
- Expansion of an existing building;
- Alteration of an existing building;
- Remodeling to comply with the Architectural Barriers Act of 1968;
- Remodeling for energy conservation;
- Remodeling for a safe working environment;
- Remodeling to accommodate new technology; and
- Conversion of a historic building to a library facility.

A library that wishes to apply for a Title II grant must submit a "Notification of Intent to Apply" form to the Library of Michigan. This form gives a preliminary description of the project and requests a full Title II application.

Public library boards interested in Title II grant funds should consider the following:

- All projects require a minimum match of 55% local funds. Applicants must have local matching funds available in order to receive a Title II grant award from the Library of Michigan.
- There are a number of regulations and federal compliances that must be met before bids are solicited. A building project partially-funded by federal funds cannot always proceed as quickly as one financed independently.
- Laborers who perform work on federally-funded building projects must be paid according to the Federal Prevailing Wage Rates for the county in which the project is located.

LSCA Title III. Title III funds are used to develop and expand resource sharing among all types of libraries. In Michigan, a large part of the Title III allotment is awarded to multi-type networks called Regions of Cooperation (ROCs). Region members include academic, public, school, and special libraries.

Funds received by the ROCs have provided for technological development among member libraries, regional and statewide database development, telefacsimile document delivery, electronic mail, and OCLC access. Individual libraries seeking funding for resource-sharing activities should contact their local Region of Cooperation (ROC). Title III, focusing on interlibrary cooperation and resource sharing, identifies the following five purposes for which funding may be used:

- To plan cooperative library networks;
- To strengthen the statewide library system by planning, establishing, operating and expanding cooperative resource sharing library networks;
- To plan for statewide resource sharing
- To acquire technological capacity for interlibrary cooperation and resource sharing; and
- To develop a coordinated state preservation plan.

The Library of Michigan staff offers assistance with LSCA policies and procedures during the preparation of proposals and throughout the life of the grants awarded. Each LSCA application is evaluated by a team of Library of Michigan staff members. Beginning in FY 1995, LSCA Advisory Council members will be invited to serve on selected proposal evaluation teams. Both programmatic and fiscal aspects of each proposal are carefully reviewed. All LSCA grants administered by the Library of Michigan are carefully monitored by Library of Michigan staff to ensure compliance with LSCA guidelines.

Action Checklist

Funding

1. Does the board know about the various types of library funding available?

2. Is the library adequately funded?

3. Are the library's fund-raising efforts effective?

4. Has the library considered applying for a federal grant?

CHAPTER EIGHT:

PUBLIC RELATIONS AND TRUSTEES

1. **Trustees: The Link Between the Library and the Public**

   As a channel for information between the library and the community, the trustee performs the most basic public relations role. This includes assuming the job of interpreting the programs, policies, and services of the library to the general community. Trustees should attend meetings and informal gatherings and speak up in favor of the library. Trustees may also become the "listening ear" for the library, learning from the community what their concerns are and conveying that information at board meetings. Trustees will learn to be good listeners, to ask open-ended questions, and to probe for the facts behind opinions.

   Trustees work together with the library director to project a positive image of the library to the community. The trustee who is an ardent supporter of the library will become known in the community as the person to whom patrons can come for information about the library's policies. Through the director, the board may ask the community for advice through surveys or questionnaires and may implement useful suggestions. Trustees promote the library's services and needs to community leaders, business leaders, and to other civic agencies.

2. **Additional Public Relations Responsibilities**

   Besides serving as a conduit for information and support between the library and the community, trustees have several other responsibilities which are related to public relations:

   A. **Hire a good director**. It is the board's responsibility to hire the best director they can for the job.

   B. **Provide quality service**. The board should review the library's general policies manual to ensure quality service. No amount of good public relations can make up for bad service. Trustees should insure that library services are evaluated at regular intervals.

   C. **Adopt a public relations policy**. The board should work with the director to develop a strong public relations policy for the library. This public relations policy guides the library director in the development of a schedule of activities to promote the library's role and to market its services and materials.

D. **Publicize the library**. There is a wide range of publicity channels available to the public library. News releases, program flyers, radio and television announcements, cable TV shows, community organizations' newsletters, billboard space, and announcements at club meetings, civic associations, and through local businesses' newsletters are all possible.

   Although the mechanics of public relations are performed by the library director, trustees may be involved in approving publicity campaigns. Also, libraries often do not have enough staff to cover all the best publicity channels, and trustees can help.

E. **Explain the library budget**. As the public officials responsible for the use of public library funds, trustees are accountable to the community for that money. Explaining how the library fund is expended may comprise a great deal of the trustees' "public relations" role.

F. **Use the library**. Trustees should be users of the library's resources and materials and should visit the library regularly. Trustees should not expect or ask for personal exceptions to the library's rules and regulations. Trustees should:

   - Have library cards.
   - Attend special events at the library and help to publicize them.
   - Assist with surveys of the community.
   - Encourage the development of a Friends' group or Foundation.
   - Make public presentations on behalf of the library.

The trustee's vocal and visible enthusiasm for the library will attract others. If a trustee is negative about change, discouraged by the lack of prospects for staffing, funding or building space, or lax in fulfilling trustee duties, the library is put in a negative light. A trustee who is knowledgeable, enthusiastic, and supportive of the library will serve as the library's best public relations advocate.

Action Checklist

Public Relations and Trustees

1. Is the board aware of its public relations role?
2. Is the board working with the director to promote a positive image of the library?
3. Has the board adopted a public relations policy for the library?
4. Does the library publicize its services?
5. Are the trustees users of the library? Do they have library cards?

CHAPTER NINE:

LIBRARY ORGANIZATIONS

1. **Michigan Library Organizations**

Michigan librarians and trustees have numerous opportunities for professional involvement by working with one or more of the following Michigan library organizations.

American Friends of the Vatican Library (AFVL)

Chinese-American Libraries Association (CALA)

Church and Synagogue Library Association/Michigan Chapters (CSLA)

Class VI Library Directors Association

Council of State Agency Libraries (COSAL)

Government Documents Roundtable of Michigan (GODORT)

International Association of School Librarianship (IASL)

Michigan Association for Media in Education (MAME)

Michigan Association of Law Libraries (MICH/ALL)

Michigan Catholic Library Association (MCLA)

Michigan Database Users' Group (MIDBUG)

Michigan Health Sciences Libraries Association (MHSLA)

Michigan Intermediate Media Association (MIMA)

Michigan Library Association (MLA)

Michigan Library Consortium (MLC)

Michigan Library Cooperative Directors Association

National Libraries Association (NLA)

Special Libraries Association/Michigan Chapter (SLA)

Special Libraries Association/Western Michigan Chapter

Of the above list, public library trustees are most likely to obtain support and assistance from the Michigan Library Association (MLA), the state's oldest and largest library organization.

MLA has approximately 2,000 individual members. MLA members come from all types of libraries, although the bulk of members are employed in either public or academic libraries. Not all members are library employees. Public library trustees and Friends are also active members. In addition, MLA has approximately 250 institutional members.

MLA was formed in 1891 at the impetus of Mary A. Eddy, a librarian in Coldwater. She wrote to the Detroit Public Library and suggested the need for such an association, and in that fall an organizational meeting, attended by 37 librarians, was held in Detroit. Henry M. Utley, Director of Detroit Public Library at the time, served as the first president. MLA was incorporated as a non-profit Michigan corporation in April of 1968.

According to early documents, the object of MLA was "to advance library interests in the state." While many things have changed in the intervening years, that objective remains basic to MLA's activities.

MLA has two major areas of initiative and responsibility: **continuing education** and **public awareness**. Recognizing the need for library professionals to keep abreast of developments in the field, as well as to have the opportunity to interact with colleagues, continuing education has been a cornerstone of the Association's activities since the very beginning. MLA regularly offers one- and two-day workshops on topics of specific interest to the library community. A major continuing education activity is the MLA Annual Conference held each October. The conference features vendors of library products, nationally recognized speakers, and over 60 sessions devoted to a wide range of topics. With more than 1,000 librarians, trustees, and others in attendance, it also offers an excellent opportunity for professional networking and sharing.

Through a publications program focused on providing practical assistance to the library, MLA offers numerous booklets, handbooks, and manuals, including the **Public Library Policy Resource Manual**; **Before and After the Censor**; **Michigan Associations Directory**; **Library Personnel Policies**; and **Successful Millage Campaigns**. The Association also publishes a newsletter, **Michigan Librarian**, ten times yearly which features news of interest to librarians and trustees, including information on continuing education activities, legislation, and other general library issues.

Public awareness is an issue of great importance to the library community. MLA has engaged in a number of programs to improve the awareness of the importance of library services by the citizens and public officials of Michigan. Such programs take a variety of formats. For example, MLA has coordinated a state-wide Summer Reading Program to encourage elementary school children to maintain reading skills throughout the summer recess. Using the media, MLA has sponsored a series of public service announcements on radio and television stations across Michigan which highlight the many services available at libraries. MLA also examines the impact, both in terms of economics and services, libraries have on the state of Michigan and produces a report concisely outlining the results. This kind of study is useful when MLA members talk with public officials about the funding needs facing libraries.

Working on behalf of libraries in the Michigan legislature is one of MLA's most important activities. The Executive Director of MLA is a registered lobbyist on behalf of libraries and serves as a spokesperson for MLA at legislative hearings and in meetings with state officials. Since 1985, MLA has contracted with a Lansing-based multi-client lobbying firm. Working with staff from the lobbyist office, MLA is

able to maintain a daily presence at the Capitol and maximize the effectiveness of the Executive Director and members in communicating with legislators. MLA publishes a "Legislative Update" approximately once a month when the legislature is in session. The Update, sent to all institutional members, provides information on legislation affecting libraries and advises members on MLA's positions. MLA members have an active voice in directing MLA's legislative priorities, including the development of an annual Legislative Agenda which serves as a guideline for action.

The issue of intellectual freedom and the continued support of the American Library Association's Bill of Rights and Freedom to Read statements are also important to MLA. MLA's Intellectual Freedom Committee carefully monitors activities in the state that appear to be attempts at censorship and guards against legislative attempts to curb free speech. The Intellectual Freedom Committee acts as a resource for librarians needing assistance in meeting censorship challenges.

MLA is a chapter of the American Library Association (ALA) and members of MLA elect a representative to ALA's council. The ALA councilor serves a four-year term and is charged with the responsibility of representing Michigan's concerns to ALA and serving as a liaison between the two organizations.

2. **National Library Organizations**

Two national library organizations to which trustees may wish to belong are the American Library Association (ALA) and the American Library Trustee Association (ALTA), both of which provide educational opportunities for trustees through conferences, newsletters, publications and programs.

Although public library trustees may restrict their own organizational activities to MLA, trustees should encourage their library staff's involvement in additional library organizations. Library boards are encouraged to pay for the librarian's organization membership fees from the public library fund, as the librarian's involvement in outside organizations frequently leads to innovations and improvements at the local level.

Action Checklist

Library Organizations

1. Are the trustees members of the Michigan Library Association's Trustee Roundtable?
2. Does the board know about the American Library Trustee Association?

CHAPTER TEN:

MISCELLANEOUS CONSIDERATIONS

1. **Library Buildings**

The construction or remodeling of the library building is one of the most exciting and ambitious projects that a library can undertake. Careful planning is essential to a successful building program.

The library's initial step is the formation of a building team which can draw in a variety of individuals when their expertise is needed. The basic building team usually consists of the library director and staff, selected board members, appropriate government officials, the architect, and later, the building contractor.

The library's building team prepares a building program. The building program is a description of the library's:

- goals and objectives;
- service area and population;
- service statistics;
- existing and projected services and collections;
- projected need for space, equipment and furnishings;
- function and area relationships;
- technical requirements; and
- other local needs or requirements.

The building program will be used as a major tool by the architect in drafting a design that will meet the library's needs.

Hiring the right architectural firm is the most critical step in a successful building program. While experience with library design is important, rapport and the ability to communicate between the architect and the library's building team are also highly desirable. The architect should be free to create an individual design but should also receive a great deal of input from the team regarding the library's specific needs.

Financing a new or expanded facility is always a major concern. Some options for funding include a millage or bond election, federal (LSCA Title II) grants administered by the Library of Michigan, community fundraising, securing a mortgage

against the present facility, or setting aside part of the library fund as a "capital improvement" or "building" fund.

It is not possible to over-prepare for a building project. Building projects can be frustrating and time-consuming, but they allow the library staff and board to take on the exciting challenge of planning for the community's future library service. The rewards, like the challenges, are great.

2. **Library Consultants**

A library's staff and board of trustees cannot include all the expertise and training the library will need to conduct its programs. At some time, every library will need the services of an outside consultant. Consultants can suggest correct procedures, prevent mistakes, introduce fresh ideas, and defuse controversy.

Appropriate consultant services may include:

- A certified public accountant (CPA). [In Michigan, a CPA must complete and file the library's audit.]
- An attorney.
- A building consultant.
- An architect.
- A library services consultant.
- An automation consultant.
- A professional fundraiser.
- Any other expert who is able to assist the board with a specific problem.

The library board should draft a "Request for Proposal" for the needed services for potential consultants to review. After a bid is selected, a contract should be executed by the library and the consultant before the consultant begins the project.

There are a number of ways to locate a consultant. Local governments, appropriate professional organizations, the Library of Michigan, the Michigan Library Association, and the American Library Association may be able to offer recommendations for locating qualified consultants.

Helpful publications include:

Berry, John N., ed., **Directory of Library Consultants**. New York: Bowker.

COSLA Directory: State library agencies, consultants, and administrative staff. Compiled by ASCLA Headquarters Staff for the Chief Officers of State Library Agencies. Chicago: Association of Specialized and Cooperative Library Agencies.

Library Buildings Consultant List, Library Administration and Management Association, Buildings and Equipment Section. Chicago: America Library Association, Library Administration and Management Association.

3. **Library Automation**

Library automation projects are important for upgrading the efficiency of library services. Automation is a complex area and often requires hiring a consultant or outside advisor. Some examples of library automation projects are:

- Purchasing a microcomputer and software packages for automating office work, implementing electronic mail and Internet or accessing local databases.

- Installing an OCLC terminal to gain access to the international library database for interlibrary loan and other services.
- Subscribing to online reference services to gain information on business, agriculture, medicine, law, science, education, and other topics.
- Installing a circulation system to automate the check-out and check-in of library materials.
- Installing a telefacsimile machine for high speed document delivery.
- Purchasing an automated online library system. A library with heavy circulation and a variety of programs may benefit from a fully automated online library system, which integrates circulation, patron records, public access library catalogs, and online subject searching. A library automation system can result in vastly improved and expanded services to library users, but it is a major and ongoing investment that should only be purchased after extensive research and investigation.

Some library automation projects may be supported with LSCA grants.

4. **Continuing Education for Trustees**

"Continuing education" is the all-inclusive term for training, staff development, career development, and any other educational activity engaged in after receiving a formal academic degree.

Library board members are responsible for seeing that library employees have the necessary knowledge, skills, and abilities to do the job, and that they receive adequate "continuing education" as needed. Trustees should ensure that the library budget incorporates amounts to cover expenses incurred in continuing education activities by the library staff.

Continuing education for the trustees is also important. While trustees are not expected to acquire the education necessary to be librarians, they need to know how to do a good job as trustees, to understand the changing world of librarianship, and to be able to recognize the needs and demands of the changing community.

All trustees should know how to conduct and participate in Open Meetings. This includes knowledge of the Open Meetings Act, as well as knowledge of the board's bylaws, how policies and procedures should be set up, and how to plan and evaluate the library's service programs. Continuing education for trustees will help develop a more effective board.

There are many resources and forms of assistance available to the new trustee. The public library collection, or library cooperative collection, is a good place to begin. One excellent book is **The Library Trustee** by Virginia Young. Trustees should also review Library of Michigan and Michigan Library Association publications regarding public library service.

Attending workshops specifically for trustees will help trustees broaden their base of knowledge about their roles as trustees. The Library of Michigan annually sponsors regional workshops on library law covering such topics as trustee liability, intellectual freedom, copyright, patron access, the Open Meetings Act, and others. The library budget should cover expenses incurred by trustees, as well as staff, for continuing education.

The Library of Michigan employs a professional in the field of library law and library establishment. This specialist works with trustees on specific issues such as funding, library establishment and governance, hiring, and other topics.

Trustees may also benefit from participating in MLA and the American Library Trustee Association. Both organizations sponsor annual conferences with programs, speakers, and issues that put library trustees in touch with each other and expose them to new trends in librarianship.

5. **Audit**

Public libraries are required to have audits pursuant to the Uniform Budgeting and Accounting Act. The audit must be performed by a CPA. The library may have a separate audit or may be included in a municipality's audit (for example, a township library may be included in the township's audit).

Libraries serving a population of less than 2,000 need to have audits only once every two years. Libraries serving populations over 2,000 but less than one million must have annual audits.

Libraries serving populations of one million or more must have annual audits, except that if internal auditing procedures for all public moneys are established, and a copy of the annual internal audit is filed with the Department of Treasury, an independent audit is required not less frequently than each five years (MCL 141.425).

Action Checklist

Miscellaneous Considerations

1. Has the board recently considered the need for remodeling the library or building a new library facility?
2. Does the library board use the services of expert consultants?
3. Does the library have an automation plan?
4. Do the board members attend continuing education programs for library trustees?
5. Does the board support the continuing education of the staff?
6. When board members attend trustee workshops, do they share information with the other board members?
7. Does the board have an annual audit performed by a CPA? If not, is the library included in a municipality's annual audit?

Library of Michigan

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